



US Army Corps
of Engineers®

SAN FRANCISCO DISTRICT

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

PUBLIC NOTICE

Project: Winter Island Levee Repair

DATE: December 15, 2006

NUMBER: 29218S

RESPONSE REQUIRED BY: January 15, 2007

PROJECT MANAGER: Holly Costa

PHONE: 415-977-8438

Email: Holly.N.Costa@usace.army.mil

1. INTRODUCTION: Reclamation District No. 2122 through its agent, MBK Engineers (2450 Alhambra Boulevard, 2nd Floor, Sacramento, California 95817-1125) has applied for a U.S. Army, Corps of Engineers (Corps) permit to place fill in jurisdictional waters of the U.S. to repair a levee that was breached along the east side of Winter Island near Broad Slough, near the City of Pittsburgh, Contra Costa County, California. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. Section 403).

2. PROPOSED PROJECT:

Project Background: The lands of Winter Island were purchased from the State of California as Swamp and Overflowed Lands in 1864. The Island formed as Reclamation District 176 in 1873, and reformed as Reclamation District 2122 in 1984 under the California Water Code. Although the interior of the island has had a changing land use from agriculture to managed wetland, the maintenance of the levees was consistently done by dredging until fairly recently. This dredging was done on the private land with a side cast dredge. The dredge took land in front of it and cast it to the side, building a levee and forming a dredge cut to float in.

The levees around Winter Island have had a history of failure due to the type of substrate and the extensive dredging done to maintain the height of the levees.

Project Description: As shown in the attached drawings, the applicant plans to construct a setback levee parallel to a failed section. Fill would consist of salvaged steel barges in conjunction with imported dredge material to repair the break. The barges are decked steel material barges that vary in length from 100 to 200 feet, and 20 to 35 feet in width. The barges would be floated into the break area and then sunk on a prepared foundation. The foundation would be a leveling layer of sand from an off-site dredge project approved by the Dredged Material Management Office for disposal on Winter Island. Once the barges are in place, the decks would be removed and the interior slowly filled over time (approximately 5 years). The setback levee would tie into the existing levee.

The barges are clean and have been used solely for material transport. No engines or other equipment which could pollute the water have been used on the barges. The repair work would be limited to the minimum required to repair the levee system. Installation of the barges would be within the RD 2122 permitted levee cross-section. Construction and maintenance of the levee were previously authorized under Corps permit numbers 220330S, 220331S, 220332S and 220333S.

Purpose and Need: The basic purpose of this project is to repair the failed portion of levee. The overall purpose of this project is to repair the levee in a

manner which is unlikely to fail again in the near future.

Impacts: The footprint of the levee repair would be approximately 24 feet wide by 400 feet long. Approximately 2000 cubic yards of fill would be placed in Section 10 waters for the levee repair. The project will result in the placement of approximately 2000 cy of fill into 0.35 acres of Corps jurisdictional waters and wetlands. Two of the three barges have already been installed without Corps authorization.

Mitigation:

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's Regulations (40 C.F.R. Parts 1500-1508), and the Corps' Regulations (33 C.F.R. Part 230 and Part 325, Appendix B). Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. Delta smelt (*Hypomesus transpacificus*), Winter-run Chinook salmon (*Oncorhynchus tshawytscha*) and steelhead (*Oncorhynchus mykiss*) habitat is present in the area.

Magnuson-Stevens Fisheries Conservation and Management Act: The NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens Fisheries Conservation and Management Act. The proposed project is located within an area designated as Essential Fish Habitat for various life stages of fish species managed with the Pacific Groundfish Fishery Management Plan (FMP), the Coastal Pelagic FMP and the Pacific Coast Salmon FMP.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issue that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612 by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. Section 1344(b)). An evaluation has been made by this office under the guidelines and it was determined that the proposed project is water dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act

requires the applicant to certify that the proposed project is consistent with the State's Coastal Zone Management Program, if applicable. The proposed project is not within the Coastal Zone.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS: The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this

decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS: Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting Holly Costa of our office at telephone 415-977-8438 or E-mail: Holly.N.Costa@usace.army.mil. Details on any changes of a minor nature that are made in the final permit action will be provided upon request.

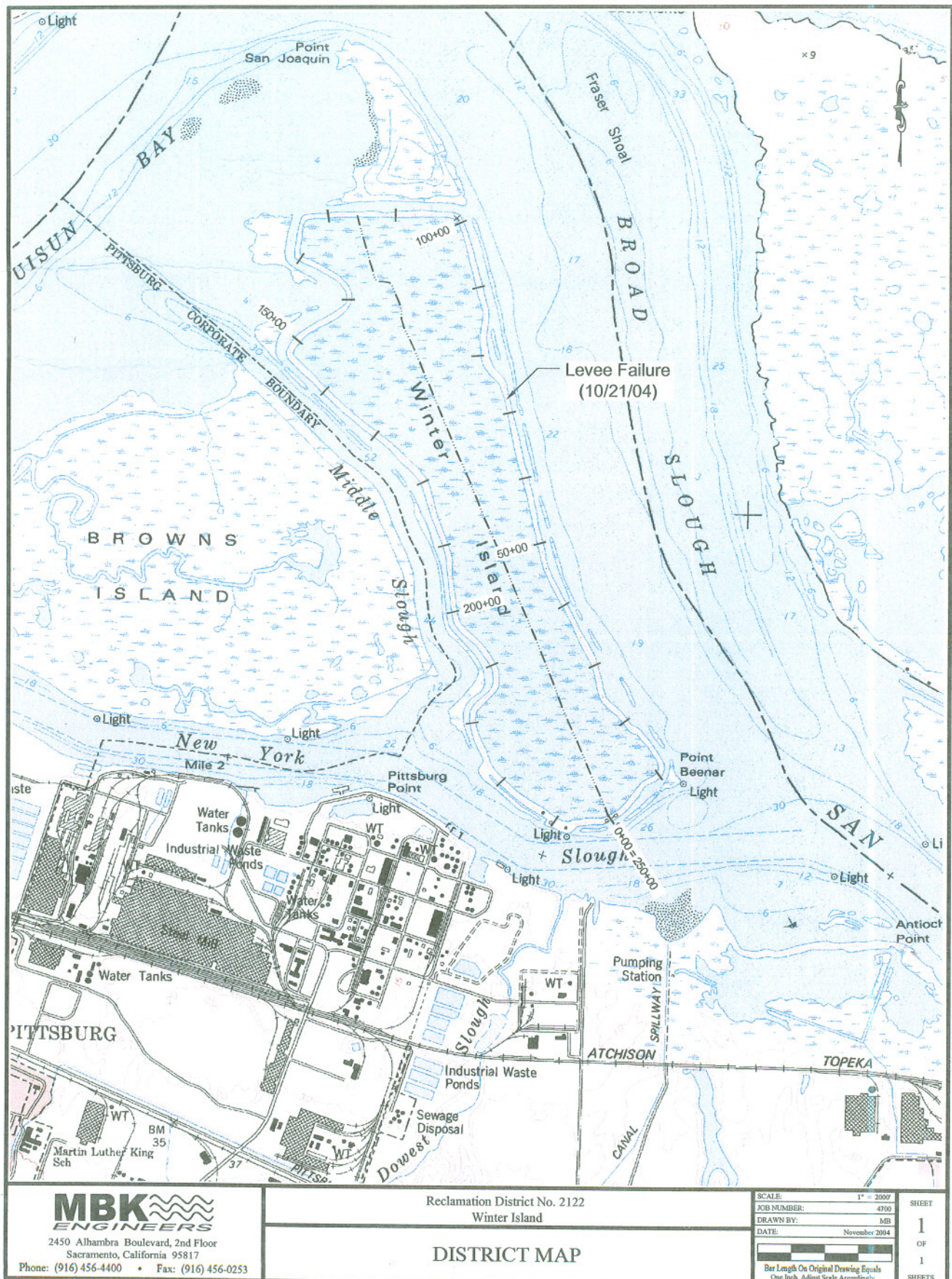
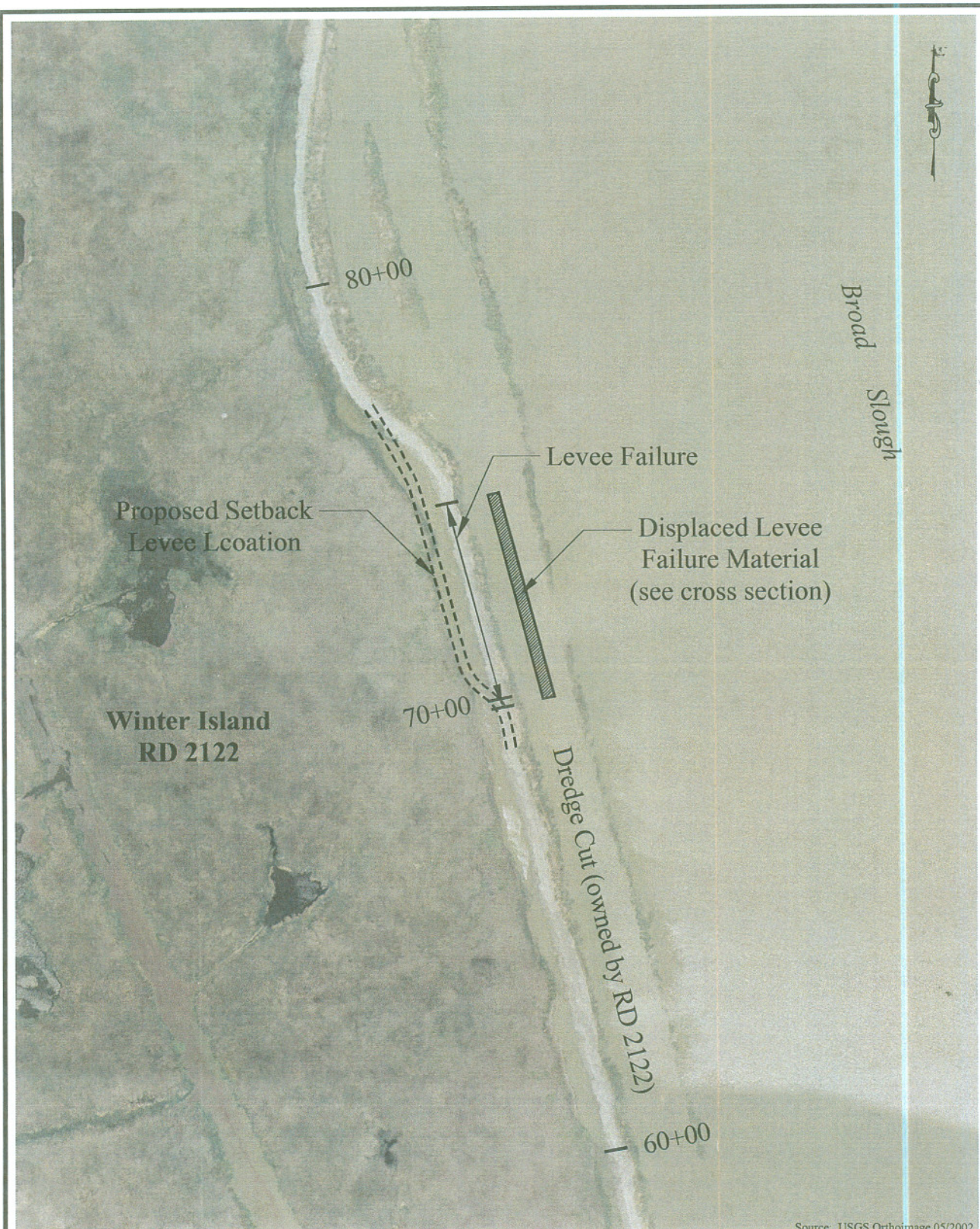


Figure 1



Source: USGS Orthoimage 05/2002

MBK
ENGINEERS

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Reclamation District No. 2122
Winter Island

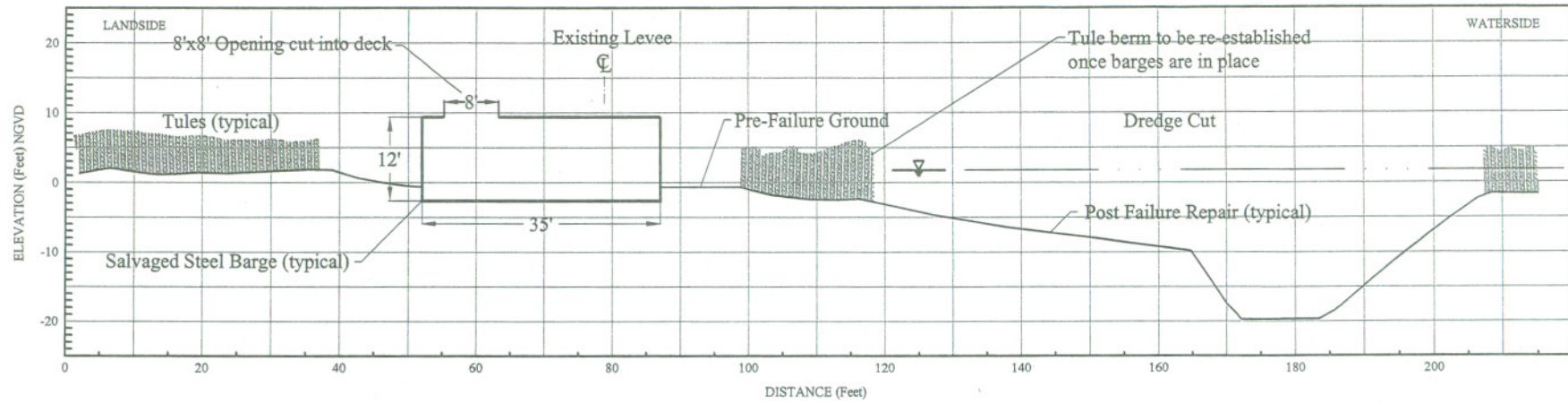
EMERGENCY LEVEE REPAIR

SCALE: 1" = 500'
JOB NUMBER: 4790
DRAWN BY: MB
DATE: November 2004
Bar Length On Original Drawing Equals
One Inch. Adjust Scale Accordingly

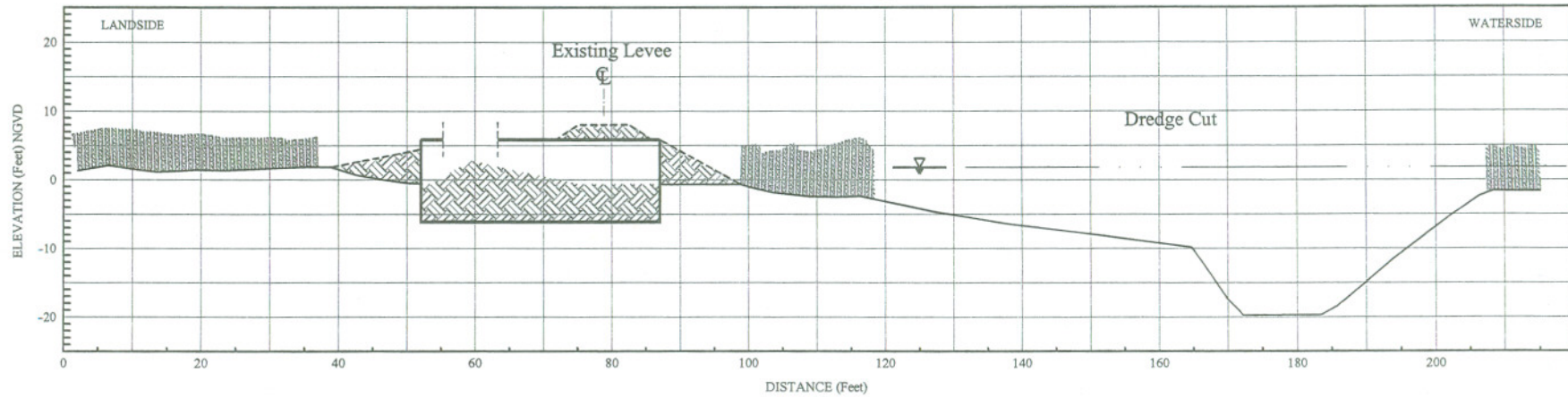
SHEET
1
OF
1
SHEETS

Figure 2

Initial Configuration - Levee Cross Section Approx. Station 68+00



Intermediate Configuration



Final Configuration

